

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
	:	
DAVID NOVELLI,	:	BANKRUPTCY NO. 21-13114-mdc
Debtor	:	
	:	CHAPTER 13
	:	
	:	L.B.R. 9014-3
PENNSYLVANIA HOUSING FINANCE	:	
AGENCY	:	
	:	HEARING: APRIL 25, 2023
Movant	:	AT 10:30 A.M.
	:	Telephonic hearing
vs.	:	
	:	
DAVID NOVELLI and	:	
KENNETH E. WEST, Trustee	:	
Respondents	:	

**MOTION OF PENNSYLVANIA HOUSING FINANCE AGENCY FOR
RELIEF FROM THE AUTOMATIC STAY TO PERMIT
PENNSYLVANIA HOUSING FINANCE AGENCY TO FORECLOSE ON
48 N. NEW ARDMORE AVENUE, BROOMALL, PENNSYLVANIA**

TO THE HONORABLE MAGDELINE D. COLEMAN, CHIEF U. S. BANKRUPTCY JUDGE:

AND NOW comes Pennsylvania Housing Finance Agency, by its attorneys, Purcell, Krug & Haller, and files this Motion to obtain relief from the automatic stay pursuant to Section 362(d) of the Bankruptcy Code as follows:

1. That this is a contested matter under Rule 9014 brought pursuant to 11 USC Section 362(d).
2. Movant, Pennsylvania Housing Finance Agency, is a company with an office located at 211 North Front Street, Harrisburg, Pennsylvania 17101.
3. Respondent, David Novelli, is an adult individual whose last known address is 48 N. New Ardmore Avenue, Broomall, PA 19008.
4. Respondent, Kenneth E. West, is the Trustee duly appointed in the above case with a place of business at Suite 1813, 1234 Market Street, Philadelphia, Pennsylvania 19107.
5. On or about October 20, 2014, Debtor executed and delivered a Mortgage Note in the sum of \$28,135.00 payable to AFC First Financial Corporation, a copy of said Mortgage Note being attached hereto and made a part hereof as Exhibit "A".

6. Contemporaneously with and at the time of the execution of the aforesaid Mortgage Note, in order to secure payment of the same, the Debtor made, executed, and delivered to original Mortgagee, a certain real estate Mortgage which is recorded in the Recorder of Deeds Office of the within County and Commonwealth on October 30, 2014 in Record Book 05565, Page 0707 conveying to original Mortgagee the subject premises. The Mortgage was subsequently assigned to PENNSYLVANIA HOUSING FINANCE AGENCY and was recorded on October 30, 2014 in the aforesaid County in Record Book 05565, Page 0712. The said Mortgage and Assignment are incorporated herein by reference.

7. The land subject to the Mortgage is known and numbered as 48 N. New Ardmore Avenue, Broomall, PA 19008.

8. The balance owed Movant is approximately \$26,000.00.

9. Other liens against the property (per Debtor's Schedules) are:
Carrington Mortgage Services – mortgage in the amount of \$340,908.00

10. The value of the real estate is approximately \$435,800.00 (per Debtor's Schedules).

11. Debtor has failed to make any post-petition mortgage payments to Movant since filing bankruptcy in November, 2021, sixteen (16) payments owing in the amount of 279.12 each, for a total of \$4,465.92.

12. Movant is entitled to relief for cause.

WHEREFORE, Movant prays for the entry of an Order terminating the automatic stay and granting Movant leave to exercise its State Court foreclosure rights and that such further relief be granted as your Honorable Court deems fair and equitable.

PURCELL, KRUG & HALLER

By: /s/Leon P. Haller
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Dated: March 27, 2023